

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: JUN 06 2008

UNITED STATES OF AMERICA

- v. -

JOHN SANTOS,
HARRY MENDEZ, and
JORGE ZAPATA,

Defendants.

08 Cr.

08 CRIM 511

COUNT ONE

The Grand Jury charges:

1. From approximately on or about February 15, 2008, up to and including on or about March 17, 2008, in the Southern District of New York and elsewhere, JOHN SANTOS, HARRY MENDEZ, and JORGE ZAPATA, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOHN SANTOS, HARRY MENDEZ, and JORGE ZAPATA, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Codes, Sections 812, 841(a)(1) and 841(b)(1)(A).

Judge Pauley

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about March 17, 2008, JOHN SANTOS, the defendant, traveled to The Ritz-Carlton Hotel, Battery Park, in New York, New York, to buy 5 kilograms of cocaine.

b. On or about March 17, 2008, HARRY MENDEZ, the defendant, traveled to The Ritz-Carlton Hotel, Battery Park, in New York, New York, to buy 5 kilograms of cocaine.

c. On or about March 17, 2008, JORGE ZAPATA, the defendant, brought a bag containing approximately \$100,000 to The Ritz-Carlton Hotel, Battery Park, in New York, New York, to pay for the 5 kilograms of cocaine.

(Title 21, United States Code, Section 846.)

COUNT TWO

4. On or about March 17, 2008, in the Southern District of New York and elsewhere, JOHN SANTOS, HARRY MENDEZ, and JORGE ZAPATA, the defendants, unlawfully, intentionally, and knowingly attempted to possess, with intent to distribute, a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code, to wit, JOHN SANTOS, HARRY MENDEZ, and

JORGE ZAPATA, the defendants, attempted to buy approximately 5 kilograms of cocaine.

(Title 21, United States Code, Section 846 and
Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, JOHN SANTOS, HARRY MENDEZ, and JORGE ZAPATA, the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment, including, but not limited to, the following:

a. At least \$100,000 in United States currency, in that such sum in aggregate is property representing the amount of monies used to commit the offenses charged in Counts One and Two of this Indictment.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

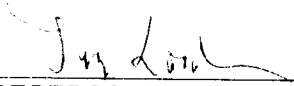
b. has been transferred or sold to, or deposited with, a third person;


c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOHN SANTOS,
HARRY MENDEZ, and
JORGE ZAPATA

Defendants.

INDICTMENT

08 Cr.

(21 U.S.C. § 846, 18 U.S.C. § 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Jim L...

6/6/08 Foreperson.

6/6/08
(Signature)

FBI Indictment. Case assigned to Judge Raulley.
Pitman
U.S.M.J.